Supreme Court's verdict on Closure of Factories

860. SHRIJIBON ROY: Will the Minister of LABOUR be pleased to state:

(a) whether it is a fact that a Constitutional Bench of the Supreme Court in a recent verdict made Government clearance mandatory for the purpose of declaring a factor^' closed;

(b) whether in the same verdict the Supreme Court has opined that factory may not be allowed to be closed on public interest despite there is justification by the employer, and

(c) how many industries have been declared closed without Government's prior permission?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): (a) to (c) The Hon'ble Supreme Court has given a judgement in Civil Appeal No. 529 of 2002 (arising out of SLP (Q No. 6643) regarding constitutional validity of amended section 25-0 of the I.D. Act in the case of M/s Orissa Textile and Steel Ltd. *Vs.* State of Orissa and Others along-with 12 other cases.

The Hon'ble Apex Court has held that the amended section 25-0 provides for an inquiry after an opportunity of being heard to the employer, workmen and all interested persons, and provide that the order is to be reasoned in writing.

The information on the number of industries that have been declared closed without Government's prior permission is not maintained.

Right to Work as a Fundamental Right

861. DR. KARAN SINGH:
SHRI AIMADUDDIN AHMED KHAN (DURRU):

Will the Minister of LABOUR be pleased to state:

(a) whether Government propose to secure the Right to Work to all as a Fundamental Right; and

(b) if so, whether any plan of action has been laid down or is being worked out to secure this Right to all citizens; if so, the details thereof and the steps taken and being taken in pursuance thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): (a) No, Sir.

(b) Does not arise.

Implementation of Fifth Pay Commission Report by ESI

862. SHRI A. VIJAYA RAGHAVAN: Will the Minister of LABOUR be pleased to state:

(a) whether the competent authority of ESI has extended the Fifth Pay Commission recommendations to the Doctors and Nurses working at par with the guidelines of Director General Health Services, Ministry of Health;

(b) whether the above criteria is applied in implementing pay scales as recommended by the Fifth Central Pay Commission to the Dietician working under the ESI; and

(c) If not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): (a) to (c) The pay scale notified by the Central Government on the basis of the recommendation of the Fifth Central Pay Commission have already been extended to the ESI employees w.e.f. 1.1.1996. The Dietician in ESI Corporation has been granted the normal replacement pay scale on the basis of the pre-revised scale as recommended by the Fifth Central Pay Commission.

Compensation to Agricultural Labourers

863. SHRI SOLIPETA RAMACHANDRA REDDY: Will the Minister of LABOUR be pleased to state:

(a) whether Government are actively considering the proposal to compensate the agricultural labourers who die while at work;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?